

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Advanced Television Systems
and their Impact on the
Existing Television Broadcast
Service

)
) MM Docket No. 87-268
) RM-5811
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**COMMENTS OF THE NATIONAL BLACK MEDIA COALITION AND THE
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

The National Black Media Coalition ("NBMC") and the National
Association for the Advancement of Colored People ("NAACP")
respectfully submit these comments in response to the
Notice of Inquiry, FCC 87-246, released August 20 1987 ("NOI").

I. ATV and Minority TV Ownership

Currently, there are only approximately 30 minority owned full
power television stations and a handful of LPTV stations. Most of them
are in the UHF band, and almost none of them is a network affiliate.
New opportunities for minority television ownership are only available
in the same virgin UHF spectrum which the NOI contemplates using for
ATV.

Future minority ownership of both full power and low power
television facilities could be jeopardized if ATV station ownership
becomes largely the province of large nonminority broadcasters. If not
properly regulated, ATV could eliminate the few remaining opportunities
for licensing of new minority owned TV stations.

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Minority program producers and distributors could also be adversely affected by ATV development. National distribution of television programming is generally extremely difficult or impossible without the participation of either one of the networks or several of the large station group owners. With only a handful of channels through which to distribute their programming, minorities who produce programs and seek to distribute them through television must be concerned about the possibility that ownership of the industry could become even more concentrated.

If ATV results in freezing out new minority owned television facilities and in reducing the number of alternative distribution outlets for minority television programming, the public will suffer from a reduction in the diversity of programming choices. They will have the luxury of improved video quality and a wider aspect ratio with which to view only more of the same "mainstream" programming.

Viewers in inner cities and in rural areas, whose homes may never be cabled and who apparently will not benefit from DBS, must continue to rely on terrestrial television service as a primary source of information, education, and cultural enrichment. ATV would reduce the likelihood that new stations aimed at these communities could come into being.

Therefore, the Commission must adjust the multiple ownership rules to insure that options remain available for new, alternative service. It can do this by recognizing that an ATV facility and an NTSC facility represent two stations for multiple ownership purposes, even if each broadcasts the same programming. In particular, the Commission should insure that licensees may have an interest in more than 12 TV facilities, whether NTSC or ATV, only if minority partners control the 13th and 14th (or additional) such facilities. See 47 CFR § 73.3555(d)(1).

II. ATV and Interference Rights

The NOI contemplates agreements between licensees pursuant to which licensees could sell interference rights to TV spectrum. The Commission correctly realizes that this could "result in the practice of excluding less desirable demographic areas from receiving service" (NOI at 14, Q. 26(d)).

Any sales of interference rights should be accompanied by a showing that rural or other low income (and particularly uncabled) communities will not receive reduced service if the interference rights sale is approved.

III. Potential Benefits from Channel Repacking

ATV could have one unexpected benefit for minority broadcasters and the public interest. If the Commission repacks the UHF band so that each licensee has 8 MHz of bandwidth, it could allow a broadcaster to continue to broadcast in NTSC and use the additional bandwidth for other purposes -- for example, the broadcast of an audio-only (FM) program which could be received on a television set.

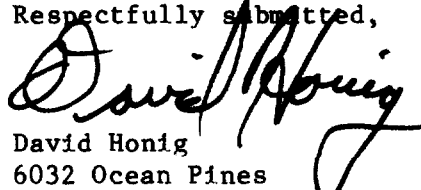
If audio reception were digitized and roughly 10 kHz of bandwidth is used between audio channels, it is theoretically possible to fit 8 or 9 FM channels into the surplus 2 MHz of space. TV licensees could lease this bandwidth to minorities, who could use it to operate a "radio" station which could be received on a TV set. An even better approach would be for the Commission to separately license this spectrum space in such a way as to promote minority ownership.

This would provide a low cost means of providing new minority owned radio service to the public. While initially limited to home reception, the existence of this service could stimulate the development of new portable or automobile receivers which could extend this new audio service (as well as, perhaps, the adjacent channel video service) outside the home.

Conclusion

NBMC and the NAACP expect to participate more fully in this proceeding through the advisory committee process. These comments are intended only to identify some of the issues which ought to be addressed so that minorities will have a continued role in the future of television.

Respectfully submitted,


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Administrative Information

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